

Notice of Allowability

Application No.

10/752,620

Examiner

Elaine Gort

Applicant(s)

UPENDRAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's response filed 9/22/06 and proposed amendments from interview.
2. ☒ The allowed claim(s) is/are 1,3-13 and 40-51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE

Applicant's Supplemental Amendment received on October 13, 2006 has been entered by the Examiner.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Seth Ostrow on October 13, 2006.

The application has been amended as follows:

Claims 14-39 have been cancelled.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of the claims 1, 3-13 in this case is the inclusion of the user computer being coupled to the Internet to enter a plurality of purchase preferences; and a client-side device that includes a set top box that is coupled to the Internet and to a television programming source to receive user preference data from the Internet based on the purchase preferences and to receive

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broadcast programming content from the television programming source, the set top box including a display to display purchase options based on the purchase preferences and user input device to select options and to make a purchase transaction included in the independent claim 1, in combination with the other elements recited, which is not found in the prior art of record.

The primary reason for the allowance of the claims 40-51 in this case is the inclusion of the user computer being coupled to a network to allow users to enter a plurality of purchase preferences; and

A broadcast-based client-side device, coupled to the network, to receive user preference data from the network; where the user preference data is based on at least one of the purchase preferences and user profile, where the user profile is based on tracking user activities, and to receive broadcast programming content from the television programming source, the device including a display to display purchase options based on the purchase preferences and user input device to select options and to make a purchase transaction included in the independent claim 40, in combination with the other elements recited, which is not found in the prior art of record.

US Patent 6,918,131, inventor Rautila et al., discloses a system for selecting programs for users based on television preferences, but does not disclose the claimed method which includes a user computer coupled to a network for entering user purchase preferences and a client-side device coupled to the network to receive user preference data from the network that is based on the purchase preferences and to receive broadcast programming content from a broadcast source where the client-side

device displays purchase options based on the purchase preferences and allows users to select from the options to consummate a purchase transaction.

The Theory of Interactive Content-triggered Consumer Action: Interactive Content Theory, author Law, discloses a theory for interactive television and Internet advertisement media, but does not disclose the claimed method which includes a user computer coupled to a network for entering user purchase preferences and a client-side device coupled to the network to receive user preference data from the network that is based on the purchase preferences and to receive broadcast programming content from a broadcast source where the client-side device displays purchase options based on the purchase preferences and allows users to select from the options to consummate a purchase transaction.

Japanesse Patent JP02002094965A, inventor Tanaka, discloses a system for distributing information based on preferences, but does not disclose the claimed system which includes a user computer coupled to a network for entering user purchase preferences and a client-side device coupled to the network to receive user preference data from the network that is based on the purchase preferences and to receive broadcast programming content from a broadcast source where the client-side device displays purchase options based on the purchase preferences and allows user input to select from the options to consummate a purchase transaction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571/272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Elaine Gort
Primary Examiner
Art Unit 3627

October 16, 2006